

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:18-cv-01501-KBJ**

BUZZFEED INC. v. U.S. IMMIGRATION & CUSTOMS  
 ENFORCEMENT et al  
 Assigned to: Judge Ketanji Brown Jackson  
 Cause: 05:552 Freedom of Information Act

Date Filed: 06/25/2018  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff****BUZZFEED INC.**

represented by **Matthew Lynn Schafer**  
 BUZZFEED INC.  
 111 East 18th Street  
 14th Floor  
 New York, NY 10003  
 (646) 798-0693  
 Fax: (212) 431-7461  
 Email: [matthew.schafer@buzzfeed.com](mailto:matthew.schafer@buzzfeed.com)  
*TERMINATED: 02/28/2019*  
*ATTORNEY TO BE NOTICED*

**Matthew Topic**  
 LOEVY & LOEVY  
 311 N. Aberdeen Street  
 Third Floor  
 Chicago, IL 60607  
 (312) 243-5900  
 Fax: (312) 243-5902  
 Email: [matt@loevy.com](mailto:matt@loevy.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****U.S. IMMIGRATION & CUSTOMS  
 ENFORCEMENT**

represented by **Melanie Dyani Hendry**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2510  
 Fax: (202) 252-2599  
 Email: [melanie.hendry2@usdoj.gov](mailto:melanie.hendry2@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****U.S. DEPARTMENT OF  
 HOMELAND SECURITY**

represented by **Melanie Dyani Hendry**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 06/25/2018 | <u>1</u> | COMPLAINT against U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT ( Filing fee \$ 400 receipt number 0090-5553645) filed by BUZZFEED INC.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Civil Cover Sheet Civil Cover Sheet, # <u>6</u> Summons Summons)(Topic, Matthew) (Entered: 06/25/2018) |

|            |           |   |
|------------|-----------|---|
| 06/25/2018 | <u>2</u>  | NOTICE of Appearance by Matthew Topic on behalf of BUZZFEED INC. (Topic, Matthew) (Entered: 06/25/2018)   |
| 06/25/2018 |           | Case Assigned to Judge Ketanji Brown Jackson. (zsth) (Entered: 06/26/2018)  |
| 06/26/2018 | <u>3</u>  | SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 06/26/2018)  |
| 07/11/2018 | <u>4</u>  | NOTICE of Appearance by Matthew Lynn Schafer on behalf of BUZZFEED INC. (Schafer, Matthew) (Entered: 07/11/2018)  |
| 07/18/2018 | <u>5</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOMELAND SECURITY served on 7/3/2018 (Topic, Matthew) (Entered: 07/18/2018)   |
| 07/18/2018 | <u>6</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. IMMIGRATION & CUSTOMS ENFORCEMENT served on 7/13/2018 (Topic, Matthew) (Entered: 07/18/2018)  |
| 07/18/2018 | <u>7</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/9/2018. (Topic, Matthew) (Entered: 07/18/2018)   |
| 07/18/2018 | <u>8</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/5/2018. Answer due for ALL FEDERAL DEFENDANTS by 8/4/2018. (Topic, Matthew) (Entered: 07/18/2018)  |
| 08/02/2018 | <u>9</u>  | ANSWER to Complaint by U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT.(Hendry, Melanie) (Entered: 08/02/2018)   |
| 09/04/2018 | <u>10</u> | GENERAL ORDER AND GUIDELINES APPLICABLE TO FOIA CASES ASSIGNED TO JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Courts instructions for processing and production of records, batching motions, and filing exhibits. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 9/4/2018. (lckbj1) (Main Document 10 replaced on 9/5/2018) (zhs). (Entered: 09/04/2018) |
| 09/04/2018 |           | MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall review this Courts <u>10</u> General Order and Guidelines Applicable to FOIA Cases, and promptly confer and file a joint proposed schedule for disclosure or briefing motions for summary judgment, on or before 9/18/2018. Signed by Judge Ketanji Brown Jackson on 09/04/2018. (lckbj1) (Entered: 09/04/2018)   |
| 09/06/2018 |           | Set/Reset Deadlines: Proposed Briefing Schedule due by 9/18/2018 (tj) (Entered: 09/06/2018)   |
| 09/18/2018 | <u>11</u> | Joint STATUS REPORT <i>Concerning Proposed Schedule</i> by BUZZFEED INC.. (Topic, Matthew) (Entered: 09/18/2018)  |
| 09/19/2018 |           | MINUTE ORDER setting a Telephone Conference for 10/4/2018 at 11:00 AM in Chambers before Judge Ketanji Brown Jackson. Counsel will be provided dial-in information by e-mail. Signed by Judge Ketanji Brown Jackson on 09/19/2018. (lckbj1) (Entered: 09/19/2018)   |
| 10/04/2018 |           | Minute Entry for proceedings held before Judge Ketanji Brown Jackson: Telephone Conference held in chambers on 10/4/2018. (Court Reporter Sara Wick) (gdf) (Entered: 10/04/2018)  |
| 10/04/2018 | <u>12</u> | ORDER. On or before October 16, 2018, Defendant ICE shall file a supplemental memorandum that addresses the agency's FOIA-processing capacity and the reason for the delay in this case. Signed by Judge Ketanji Brown Jackson on 10/4/18. (lckbj3) (Entered: 10/04/2018)   |

|            |           |   |
|------------|-----------|---|
| 10/04/2018 |           | Set/Reset Deadlines: Supplemental Memorandum due by 10/16/2018. (gdf) (Entered: 10/04/2018)   |
| 10/16/2018 | <u>13</u> | RESPONSE TO ORDER OF THE COURT re <u>12</u> Order, <i>Declaration of ICE FOIA Officer Catrina Pavlik-Keenan</i> filed by U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Hendry, Melanie) (Entered: 10/16/2018)  |
| 10/19/2018 | <u>14</u> | MOTION for Leave to File <i>Response to Defendant's Declaration Regarding Production Schedule</i> by BUZZFEED INC. (Attachments: # <u>1</u> Exhibit Response to Declaration)(Topic, Matthew) (Entered: 10/19/2018)  |
| 10/19/2018 |           | MINUTE ORDER granting <u>14</u> Motion for Leave to File Response to Defendant's Declaration Regarding Production Schedule. Signed by Judge Ketanji Brown Jackson on 10/19/2018. (lckbj1) (Entered: 10/19/2018)   |
| 10/19/2018 | <u>15</u> | RESPONSE to <i>Defendant's Declaration Regarding Production Schedule</i> filed by BUZZFEED INC.. (Topic, Matthew) (Entered: 10/19/2018)   |
| 10/22/2018 |           | MINUTE ORDER. The Court has reviewed ICEs declaration <u>13</u> , and while it has no reason to question the comprehensive description of ICEs current processing capacity with respect to an ordinary request (see Paragraph 18 (explaining that, given the number of employees who are working on FOIA requests and the number of pending requests, the agency cannot produce more than 500 pages per month in each case)), the declaration does not address the fact that the instant request qualifies for special treatment given its declared expedited processing status, and the agency's considerable and unexplained delay in producing ANY records in this matter, particularly in light of its purported first-in, first-out approach to managing backlogged requests. (See Paragraph 17.) The fact that the agency may have granted this request for expedited processing in error is irrelevant; the request at issue has been delegated as such. Moreover, because this case involves a request that was submitted at the end of FY 2017, and the parties have now entered FY 2019 without any records having been produced, the agency will need to shift resources to address the pending request at a faster rate than it is handling other matters. Accordingly, it is hereby ORDERED that ICE process the approximately 8,100 pages of responsive records at a rate of 1,000 pages per month, to be completed on or before August 1, 2019. It is further ORDERED that the first monthly production must occur on or before December 1, 2018, and that the parties shall file a status report 60 days after the first production and every 60 days thereafter. Signed by Judge Ketanji Brown Jackson on 10/22/2018. (lckbj3) (Entered: 10/22/2018) |
| 02/13/2019 |           | MINUTE ORDER. On October 22, 2018, this Court entered a minute order requiring ICE to process records at a rate of 1,000 pages per month, with the first production to take place on or before December 1, 2018. (See Minute Order of October 22, 2018.) The Court further ordered the parties to "file a status report 60 days after the first production and every 60 days thereafter." (See id.) The first of these joint status reports should have been filed no later than February 1, 2019, but, to date, the parties have not done so. Accordingly, it is hereby ORDERED that the parties file a joint status report on or before February 25, 2019. Signed by Judge Ketanji Brown Jackson on 2/13/19. (lckbj3) (Entered: 02/13/2019)   |
| 02/13/2019 |           | Set/Reset Deadlines: Joint Status Report due by 2/25/2019. (gdf) (Entered: 02/13/2019)  |
| 02/25/2019 | <u>16</u> | Joint STATUS REPORT by U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Hendry, Melanie) (Entered: 02/25/2019)  |
| 02/28/2019 | <u>17</u> | NOTICE OF WITHDRAWAL OF APPEARANCE as to BUZZFEED INC.. Attorney Matthew Lynn Schafer terminated. (Schafer, Matthew) (Entered: 02/28/2019)  |